

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**SIERRA CLUB,**

**Plaintiff-Intervenor,**

**V.**

**AMEREN MISSOURI,**

**Defendant.**

**Civil Action No. 4:11-cv-00077-RWS**

**Judge Rodney W. Sippel**

**JOINT PROPOSED PRETRIAL ORDER – REMEDY PHASE**

Plaintiff United States of America, Plaintiff-Intervenor Sierra Club (collectively, “Plaintiffs”), and Defendant Ameren Missouri (collectively with Plaintiffs, the “Parties”), hereby respectfully submit the following joint proposed schedule for pretrial filings in the remedy phase of this case. Based on discussion during the December 20, 2018 hearing, the Parties understood the Court would consider such a joint proposal. The Parties will be prepared to discuss their joint proposal with the Court after the February 12, 2019 oral argument should the Court wish to hear from the Parties.

The below proposal substantially mirrors the timing and content of the Court’s pre-trial order for the liability trial (ECF No. 728) and notes which filings will be joint filings by Plaintiff the United States and Plaintiff-Intervenor Sierra Club to avoid unnecessary and burdensome duplication in pre-trial submissions.

1. Due by March 8, 2019:

- Each party's list of witnesses who will be called to testify and those who may be called to testify;
- Plaintiffs' and Defendant's lists of potential trial exhibits, identifying those that will be introduced into evidence and those that may be introduced into evidence;
  - The Parties shall also submit copies of all potential trial exhibits, and copies of all affidavits or declarations pursuant to Fed. R. Evid. 902(11) or 902(12), to opposing counsel for examination;
- Plaintiffs' and Defendant's designations of deposition testimony;
- Plaintiffs' and Defendant's designations of admissions and interrogatory responses.

All above submissions shall be filed with the Court via the CM/ECF filing system, except for the copies of potential trial exhibits, which the parties shall exchange but which shall not be filed with the Court.

2. Due by March 27, 2019:

- Joint Stipulation of Uncontested Facts
- Plaintiffs and Defendant shall file their objections to the opposing party's/parties' witness list(s);
- Plaintiffs and Defendant shall file their objections to the opposing party's/parties' exhibit list;
- Plaintiffs and Defendant shall file objections to and counter-designations of the opposing party's/parties' designated deposition testimony;
- Plaintiffs and Defendant shall file objections to and counter-designations of the opposing party's/parties' designated admissions and interrogatory responses;
- Any motions *in limine*;
- Plaintiffs' and Defendant's pre-trial briefs.

3. Due by April 2, 2019:

- Plaintiffs' and Defendant's briefs in opposition to any motion *in limine*.

4. April 4, 2019:

- Final Pre-Trial Conference and hearing on any motions *in limine*.

5. April 7, 2019 at 9:00 a.m.:

- Exchange of demonstratives for Trial Day 1.
- During trial, the parties shall exchange demonstratives by 7:00 pm on the day before such demonstratives will be presented at trial.

6. April 8, 2019:

- Trial

Dated: February 5, 2019

/s/ Matthew B. Mock

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Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I hereby certify that on February 5, 2019, I caused the foregoing document to be electronically filed with the Clerk of Court using the CM/ECF system, which will cause an electronic copy to be served on all counsel of record.

/s/ Matthew B. Mock